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Experience of Individual European Countries in Building a System to Prevent Money Laundering

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■ **Abstract.** Ukraine as a European state implements a set of strategic measures for economic development on a global platform, collecting, processing and analysing information about suspicious financial transactions that may be related to money laundering, but the prevention mechanisms are not effective enough and the ranges of such crime pose a real threat to the national security of the country, which determines the relevance of this study. The purpose of the study is to comprehensively analyse foreign strategies to prevent money laundering and, accordingly, consider the possibility of implementing certain measures in the legal plane of the Ukrainian state. In the course of the entire study, a group of general logical methods was used – comparison, analysis, synthesis, and generalisation, which allowed objectively assessing the level and effectiveness of national and legal phenomena to prevent illegal legitimisation by foreign states, which is carried out both on the territory of the country and abroad. The theoretical basis of this study is the investigations of Ukrainian and foreign researchers on aspects of preventing money laundering, and government websites created for the purpose of storing public information in the form of open data and ensuring access to it to a wide range of people. Based on the conducted research in the context of the existing foreign system of combating money laundering, its normative, organisational, and to some extent, socio-cultural aspects were considered. In particular, the activities of the central office represented by the inspector general of financial information of the Polish anti-money laundering system are described. The system of preventing the money laundering of the main financial intelligence unit within the Ministry of Economy, Finance and Industry of France is investigated. The analysis of measures to prevent money laundering carried out by the federal agency for supervision of the activities of financial institutions of the Federal Republic of Germany is carried out. The study considers the practice of preventing money laundering by a professional unit operating as part of the organised crime group in Austria. The state system of measures implemented by the commission for combating money laundering of the Kingdom of Spain is analysed. The preventive activities of the anti-money laundering service of the monetary and financial administration in Italy are described. Attention is focused on effective legal means that have a significant positive impact on the activities of economic processes in the global market economy and proposals were made to supplement the current national legislation regulating the sphere of money laundering prevention. The practical significance of the study is conditioned by the fact that the studied scientific provisions, generalisations, conclusions, and recommendations have both theoretical and applied significance, which can later be used in research activities and the educational process

■ **Keywords:** division financial intelligence, money laundering, prevention, financial services market, group for the development of financial measures to combat money laundering, strategy

■ Introduction

The global community recognises that the laundering of proceeds from criminal or other illegal activities

has become a global threat to economic security, and therefore, states are required to adopt, implement, and use coordinated measures to prevent and combat this socially dangerous phenomenon both at the national and international levels.

Conducted in 2016 and 2019, the National Risk Assessment identified as a high-level threat – improper detection and improper levelling of shadowing (elimination of economic activities that function

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outside of state accounting and control) of the Ukrainian economy [1].

Notably, the State Financial Monitoring Service pays special attention to investigating the facts of money laundering. In particular, in 2019, 893 materials were transferred to law enforcement and intelligence agencies, including 503 generalised materials and 390 additional generalised materials. State Financial Monitoring Service sent 12,981 request files to 69 banking institutions to provide additional information [2].

In January – March 2020, the level of the shadow economy, according to preliminary calculations of the Ministry of Economy, amounted to 31% of the official Gross Domestic Product (GDP). At the same time, the level of the shadow economy in 2019 amounted to 28% of the official GDP [3].

In 2020, the State Financial Monitoring Service sent to law enforcement agencies 204 materials (61 generalised materials and 143 additional generalised materials) related to suspicion of corruption. In these materials, the amount of financial transactions that may be related to money laundering, and to the commission of another crime defined by the Criminal Code of Ukraine [4], is UAH 8.1 billion. Participants in suspicious financial transactions in these 204 materials were persons authorised to perform the functions of the state or local self-government and equated to them [5].

During May 2020 – September 2021, the State Financial Monitoring Service of Ukraine received 37,728 (in 2020 – 11,465 and in 2021 – 25,763) reports of suspicious financial transactions from primary financial monitoring entities [1]. After analysing the available data, it was found that in both 2020 and 2021, more than 50% of suspicious activities and “cases” were received with the mark “other signs”. Thus, operations by management entities that are characterised by the attributes of “fictitiousness” have a “transit character”, which later leads to tax evasion, using various schemes with the subsequent transfer of non-cash funds to cash. In addition, in 2021, there were a large number of suspicions about “conversion of non-cash funds into cash”, “financial transactions with assets that do not correspond to the client’s profile”, “fictitious entrepreneurship”, “fraudulent actions” using tax and fee evasion schemes [1].

Many researchers are interested in the problem of preventing money laundering. The study will consider research papers of the last few years. Thus, O.V. Baranetska & A.V. Khomyak [6] briefly analysed the activities of the International Group on combating dirty money laundering FATF (Financial Action Task Force) and offered its own priority measures in the fight against illegal income. V.S. Ponomarenko, O.M. Kolodizev & O.V. Lebid [7] identified a complex of the most important elements of the system of preventing and countering money laundering and

using a methodological approach proposed standard stages for evaluating the system of preventing and countering money-laundering in Ukraine. N.V. Moskalenko cites [8] the construction of an international system for countering and preventing money laundering, in particular, the basic principle of functioning of financial intelligence units of some FATF member countries, and examines the determinants of occurrence and describes the main activities of subjects of the prevention system. A.O. Zolkover & S.V. Minenko [9] described international general legal and specialised institutions and the significance of their activities in the context of the anti-money laundering system, and analysed the system at the international and national levels in modern conditions. I.M. Kopytsia & O.V. Smaglo [10] investigated and analysed the systems of preventing and countering the legalisation (laundering) of proceeds from crime in foreign countries, and considered the general and distinctive features of the organisation of financial monitoring in foreign countries.

The purpose of the study is a description of foreign experience in the existing state systems for preventing the legitimisation of property obtained by criminal means and consideration of the possibility of changes and additions by productive mechanisms of national legislation.

■ Materials and Methods

In the course of the study, considering the purpose and objectives, the following methods were used: *analysis*, since the systems of the EU countries to prevent the legitimisation of property obtained by criminal means have been comprehensively investigated, for a qualitative interpretation of this issue, in the process of studying a single whole it was divided into separate parts. In addition, the study used *dialectical method* to analyse the socio-legal phenomena of states, patterns, and determinants of the chosen illegal act; *comparison*, since the national and foreign legislation in the field of preventing money laundering was compared, and gaps in the system that currently exists were analogised; *formal and logical method*, with the help of which elements of the legal mechanism for preventing such a crime were identified; *modelling*, since the identification of essential signs of phenomena and processes was carried out using the model, the purpose and objectives of the study were determined.

These methods were used at all stages: setting a scientific problem, determining its relevance, formulating the purpose and objectives of the study, presenting the main material, and during the process of generating conclusions, etc. The theoretical basis of this study was the works by the following researchers: O.V. Baranetska & A.V. Khomyak [6], V.S. Ponomarenko, O.M. Kolodizeva & O.V. Lebid [7], N.V. Moskalenko [8], A.O. Zolkover & S.V. Mynenko [9], I.M. Kopytsia & O.V. Smaglo [10], who investigated

the existing system of preventing money laundering in individual countries of the world and official pages of government bodies on the Internet, which contain general information about departments that implement measures to prevent money laundering at the legislative level, and statistical data on their work.

However, the study conducted a general brief analysis, so it is appropriate to consider the prevention system more broadly, using official laws, in particular the Law of Ukraine of 02/06/2019 No. 361-IX "On Preventing and Countering the Legalisation (Laundering) of Proceeds from Crime, Financing of Terrorism and Financing of Proliferation of Weapons of Mass Destruction" [11], the Law of Poland of 03/01/2018 "On Countering Money Laundering and Terrorism Financing" [12], German Law of 08/08/2002 "On Improving the Fight Against Money Laundering and Combating the Financing of Terrorism" [13], Decree of the Cabinet of Ministers of Ukraine No. 435-R of 05/12/2021 "The Main Directions of Development of the System of Preventing and Countering the Legalisation (Laundering) of Proceeds from Crime, Financing of Terrorism and Financing of Proliferation of Weapons of Mass Destruction in Ukraine for the Period up to 2023" [14], and Government Websites in Their Own Translation and Interpretation from the Original Language, Which Will Have Scientific Originality for the Established Community of Researchers, Students of Specialised Universities, Citizens of Ukraine, Other Persons Interested in the Chosen Problem.

To achieve this goal, the authors performed the following tasks: analysed and described the statistics of preventive measures for suspicious transactions linked to money laundering related to predicate crimes by the State Financial Monitoring Service, as a body authorised by Ukraine to perform the functions of a financial intelligence unit; investigated the management and legal system for preventing property laundering in six countries that are part of the European Union; isolated from the analysed crime prevention systems provided for in Article 209 of the Criminal Code of Ukraine [4] several aspects that should be implemented in Ukrainian legislation, which can further improve the prevention and counteraction of crime at both the general and special criminological levels.

■ Results and Discussion

M. Shepitko [15, p. 282] noted that criminal policy provides an opportunity to more deeply investigate the strategic counteraction to criminal offences by means of public and state influence on the systemic reform of criminal justice and its bodies in an archaic perspective.

The system of preventing and countering money laundering within the framework of United Nations documents, international conventions ratified by Ukraine,

standards of the group for the development of financial measures to combat money laundering (FATF) and standards equivalent to those adopted by the EU is recognised as a mandatory element of the economic security of a modern state [14].

At the national level, the Law of Ukraine "On Preventing and Countering the Legalisation (Laundering) of Proceeds from Crime, Financing of Terrorism and Financing of Proliferation of Weapons of Mass Destruction" [11] identifies subjects of financial monitoring at the primary and state levels, which are tens of thousands of employees of the private and public sectors.

The Ukrainian system of preventing money laundering represented by supervisory authorities, except for the Ministry of Justice and the National Bank, had restrictions in the implementation of activities for a certain period of time. From the summer of 2014 to January 2017, a moratorium on supervision was in effect on the territory of the state. However, the impact of this moratorium on the National Securities and Stock Market Commission and the National Commission for State Regulation of Financial Services Markets was only partial, since these two supervisory authorities have been able to monitor major licensees since the summer of 2015. The intensity of supervision of non-bank licensees changed very rarely or did not change at all.

Most oversight bodies have conducted outreach to facilitate understanding of obligations and risks. Especially effective and positive activities were carried out by the financial intelligence units of the National Bank of Ukraine (for banks) and the National Commission for State Regulation of Financial Services Markets (National Financial Services Committee). The activities of financial intelligence units in this context extended to all categories of subjects of primary financial monitoring [16].

In the European Union, legislation on money laundering was formed under the authority of US policy, considering the traditions of the Romano-Germanic legal system. The rule of law of this legal system is a cross between dispute resolution – a specific application of the rule – and general principles of law [16]. Legal systems of the European continent have exhaustive patterns of development and similar features of sources of law with appropriate legal force, important social significance, and mass prevalence.

First, the study considers the neighbouring state of Ukraine – Poland. The form of the Polish system of countering money laundering and terrorist financing is determined primarily by the laws and regulations of both Poland and European Union. The main legal enactment in this area is the Polish Law of 03/01/2018 "On Countering Money Laundering and Terrorist Financing" [12]. This legal enactment defines the numerous obligations of the General Inspector of Financial

Information (GIFI) – as the central element of the Polish anti-money laundering system; obligated institutions and institutions that cooperate, especially in the field of cooperation and information exchange.

First of all, the required institutions recognise and assess the risk of money laundering and terrorist financing associated with economic relations concluded with clients or with accidental transactions that they carry out by informing the GIFI of circumstances that may indicate suspicion of the crime of money laundering or terrorist financing, and reasonable suspicions that a particular transaction or a specific value of property may be related to one or another of the above-mentioned crime. Moreover, the required institutions provide GIFI with information about so-called “over-threshold” transactions, i.e., transactions whose value exceeds the value of PLN 15.000 and these are deposits or withdrawals (i.e., cash transactions), money transfers, purchase or sale of currency valuables, etc. Based on this risk and its assessment, to prevent the commission of unlawful acts, GIFI applies financial security measures aimed at obtaining information about its clients and their ultimate purpose of using the services and products offered by the obligated institutions. The inspector has the right to delay all suspicious transactions for 48 hours and transfer documents related to them to the prosecutor’s office, where the prosecutor has the right to delay the transaction if it does not meet the requirements of the law [12].

In addition, to prevent the possible commission of a criminal offence, the Border Guard Service and heads of customs and tax authorities provide GIFI with information about the declaration of cash transportation across the EU border.

In addition, GIFI checks suspicions of money laundering or terrorist financing contained in the messages sent for consideration, and information provided by foreign financial intelligence units (FIUs) in order to prevent money laundering. If a crime has already been committed and there is a reasonable suspicion of money laundering or terrorist financing, GIFI notifies the competent prosecutor, who, in cooperation with law enforcement agencies, takes steps to bring charges against the suspects. In turn, the prosecutor is obliged to inform GIFI about: making a decision to block the account or withhold the transaction; starting proceedings; suspending proceedings; starting suspended proceedings; filing charges; filing an indictment; making a decision to charge with a crime [12].

In case of suspicion of a crime or tax offence other than the offence of money laundering or terrorist financing, GIFI will provide information substantiating that suspicion to the competent authorities (i.e., law enforcement agencies, special services, and the Head of the KAS) at the disposal to take measures arising from their statutory tasks. In addition, if he becomes

aware of a reasonable suspicion of violating the rules regarding the functioning of the financial market, GIFI submits information justifying this suspicion to the Polish Financial Supervision Authority (PFSA) [17].

Due to the international aspect of money laundering and terrorist financing crimes, GIFI shares information with foreign financial intelligence units (i.e., foreign FIUs). At the reasonable request of a foreign FIU, GIFI may allow the disclosure of information provided by it to other authorities or foreign FIUs, or the use of this information for purposes other than those of the FIU. Similarly, GIFI may also ask a foreign FIU to give consent to transfer the information received from it to the courts, prosecutor’s offices, and other cooperating units of other foreign FIUs, or to use such information for purposes other than performing its tasks. In addition, GIFI may require suspension of the transaction or blocking of the account at the reasonable request of a foreign FIU, “which implies suspicion of money laundering or terrorist financing” [17].

Thus, the Polish money laundering prevention system has a peculiar algorithm of actions in the person of the General Inspector of Financial Information of Financial Intelligence, who carries out intermediary activities for the collection, analysis, evaluation, and transmission of data, and coordinates interaction between various financial institutions and law enforcement agencies.

In a state whose territory consists of a metropolis in Western Europe and a number of overseas possessions – in France, the central body of the system for preventing money laundering and combating terrorism financing is TRACFIN (*Traitement du renseignement et action contre les circuits financiers clandestins*). The director of the Treasury serves as chairman of the body, while the Secretariat functions are performed by the staff and director – general of the office for customs and indirect rights, which is the secretary – general of TRACFIN. The financial intelligence unit consists of the information collection centre, the financial expertise department, and the operations department and is controlled by the French Ministry of Economy, Finance, and Industry. TRACFIN is a body that provides information about the accounts of individuals and legal entities opened in banks [18].

In February 2020, a 5th directive was introduced into French law – EU Directive No. 2018/843 of 30 May 2018 [19] with the aim of strengthening transparency in the operations of legal entities and complex legal structures by expanding access to registers of beneficial owners [20].

A characteristic feature of French legislation is that it does not require providing information about financial transactions if the amount of a financial transaction exceeds a certain limit.

The financial intelligence service collects and processes a variety of information, including suspicious transaction reports received from financial institutions and requests received from its foreign partners. It carries out active international cooperation, which is the key to an effective fight against money laundering. And can also exchange information with the central office for combating serious financial crimes, customs, control authorities in areas where employees are required to submit applications, and with foreign services with the same competence. In case of obvious non-compliance with the requirements or serious negligence, following the example of the functioning of the anti-money laundering mechanism, TRAKFIN, which does not have the authority to apply sanctions, notifies the supervisory authority or federal body [18].

Signs for financial monitoring entities to provide data on financial transactions are a motivated suspicion that money laundering is being carried out. If the person of the owner or beneficiary of a legal entity is in doubt about a trust fund or a deliberately created asset management organisation, in which the person of the beneficiary or the person of the principal is unfamiliar, then such information must be reported to TRACFIN for verification [18].

In addition, one of the activities carried out by the authority is the development of an annual control plan together with the banking commission, which, for example, is followed by the National Directorate of Customs Intelligence and Investigations.

Thus, TRACFIN conducts only verification in connection with suspicions that initially arose, assessing the economic validity of financial flows and trying to find out whether or not there is an alleged connection with the criminal environment, while using partnerships with the banking network and public financial institutions.

As for the Federal Republic of Germany, the Gesetz zur Verhinderung der Geldwäsche vom was adopted on August 14, 2002 (the Law on prevention of money laundering of 08/14/2002) defines that the German financial intelligence unit belongs to the police, and the priority areas of work of this unit are: collection and analysis of reports on suspicious financial transactions; transmission of analysis results to law enforcement agencies; statistical analysis of reports on suspicious financial transactions; publication of annual reports; providing institutions that are required to carry out financial monitoring with information on typologies and methods of money laundering; cooperation with other financial intelligence units [13].

The central bank of this state is the Bundesbank, but it does not perform regulatory and supervisory functions in the field of preventing the laundering of proceeds from crime and the financing of terrorism. The Bundesbank carries out commercial financial

transactions – currency exchange, and repayment of Bundesbank cheques, since according to German law it is a financial institution that provides banking services and, thus, has an obligation to report on operations [21].

The body that oversees the activities of financial institutions in Germany is the Federal Financial Supervisory Authority – BaFin. If an institution maintains business relations with any listed persons and entities and, in particular, maintains accounts in the name of such individuals or entities, it is obliged to notify BaFin immediately by sending a detailed report. Under the constant supervision of BaFin is the financial institution VPE Wertpapierhandelsbank AG, which has a permit in accordance with 32th Banking Act [22].

As a federal body, BaFin has the right to impose penalties on companies. In addition to reviewing these general reports, BaFin, a second-tier institution, takes action only when its intervention is necessary. BaFin must intervene when the group finds a violation or when the company under review refuses to cooperate. At the request of supervisors, law enforcement agencies, and courts, BaFin can provide them with relevant data. This measure is intended to help identify financial flows that contribute to money laundering.

Thus, the German regulator for supervision of financial services markets – the BaFin – effectively performs its supervisory function, regulating the banking and non-banking sectors.

Activities to counteract the legalisation (laundering) of criminal proceeds in Austria are carried out by a special unit created as part of the group for Combating Organised Crime (EDOK – the Central Department for Combating Organised Crime, Reporting Office). This financial intelligence unit regularly meets with employees of credit and financial institutions on combating money laundering. All lists of accounts of entities that may be related to laundering are sent to EDOK, the National Bank of Austria, credit institutions, and the Austrian Chamber of Commerce. This special unit reviews reports of suspicious transactions sent by credit and financial institutions. At the legislative level, EDOK has the right to find out the legal status and detailed data about a foreign client in credit institutions and financial institutions regarding clients who have open and closed accounts, loans received, etc. [23].

Banks and credit institutions are required to provide the EDOC with data on all suspicious transactions, and employees of the National Bank and the Ministry of Finance of Austria, who have monitoring functions and, accordingly, have information about the facts of money laundering. EDOC officials have the right to stop the implementation of a suspicious transaction for 24 hours, and to conduct a check on the fact of money laundering [23].

A special task force has been formed within the Federal Ministry of the Interior, which, together with the Counter-Terrorism Unit and the Organised Crime Unit, is taking the necessary measures at the national level. But there is no identical understanding of risks between these government agencies, who are entrusted with the function of supervising the sector of primary financial monitoring entities, so these institutions are based more on the requirements established by law, rather than on an appropriate risk analysis. Moreover, the financial penalties imposed by the financial intelligence unit are not significant. There is also no understanding of whether all these authorities can apply sanctions of the same level, and whether they apply them on a permanent basis to achieve compliance in the economic sector [16]. Thus, EDOK financial intelligence has broad powers to control economic crimes, but there are certain shortcomings in the prevention system.

Spain has established an Executive Service of the Commission for the Prevention of Money Laundering and Monetary Offenses – SEPBLAC (*Servicio Ejecutivo de la Comision*), which is assigned a specific task to prevent and investigate cases of money laundering, including analysing incoming information and sending it to other competent authorities. The office of the deputy director-general supports the chairman in their work, prepares working documents, monitors prevention policies on a daily basis, and represents Spain in international organisations involved in the combating money laundering and terrorist financing [24].

An example of the results achieved through efforts to streamline structures and procedures is the development and approval of review plans at Commission headquarters, which result in an orderly selection of entities to be reviewed by SEPBLAC. Subjects of financial monitoring include: auditors, accountants, tax consultants, and organisations engaged in the sale of antique items of historical and artistic value and works of art. The supervision process on a regular basis makes it possible to identify, eliminate, and impose sanctions in time, since the existing violations in the ML/FT management processes (legalisation (laundering) of proceeds from crime, financing of terrorism and/or financing of terrorism) are risks.

Subjects of financial monitoring should inform the financial intelligence unit about transactions if they are related to the transfer of cash, cheques, or other documents, currency exchange, and about transactions with residents of offshore jurisdictions in the amount of more than EUR 30 thousand [24].

The Central Bank of Spain has improved guardianship in the field of preventing and combating legalisation (laundering) [24]. Reciprocal relationships with obligated entities are, for the most part, sufficient

in most sectors where suspicious transaction reports are repeatedly filed. Spain demonstrates the ability of its systems, financial supervision, and monitoring to effectively control the financial institutions of criminals and their accomplices. Systematically, the service identifies, eliminates, and imposes sanctions for violations in the risk management processes for money laundering.

However, SEPBLAC should also work to improve oversight of the legal department. Spain should review the existing risks in the real estate sector and the sector of foreign criminal networks and reflect this in the methodology for combating money laundering, because this is an important aspect [16]. Overall, Spain has a strong surveillance system. The types and scope of corrective measures and sanctions applied in the relevant areas are satisfactory.

In Italy, financial institutions must report all suspicious transactions to the *Ufficio Italiano dei Cambi* (UIC), a special body of the Bank of Italy that performs financial intelligence functions. The functions of the FIU used to receive and investigate reports of suspicious activity are performed by the anti-money laundering service of the Italian Monetary and financial authority. Thus, the Italian Monetary and financial authority may, at the request of investigators, on the basis of Section 6 of Law 197/91 [25], suspend financial transactions for up to 48 hours, if this does not interfere with investigations and does not lead to the curtailment of current operations of intermediaries. Another document appears to be an order from the Italian Ministry of Environment to transfer funds to *Ufficio Italiano dei Cambi* bank.

First of all, the Italian Monetary and financial authority (MFA) and the Italian financial intelligence unit (FIU) are not two different government agencies.

Eventually, through its Permanent Mission, the Italian government was informed of what needed to be done to search for the missing contribution, after which it contacted its *Ufficio Italiano dei Cambi* Bank, which provided the required information directly to Chase on 10 September 1999 [25]. In the event of any serious deviation indicating the possibility of money laundering, the Italian Monetary and financial authority conducts formal financial investigations and, by general agreement with the relevant supervisory authorities, notifies the investigative authorities.

The management of criminal capital in Italy and timely control over it is carried out due to an effective prevention mechanism, but the existing model is more directed towards indicators of law enforcement agencies and does not attract sufficiently indicators that are more significantly coordinated with the risk of legalisation (laundering) of proceeds from crime [16].

■ Conclusions

As a result of the conducted study, the legislation and systems of organising actions to prevent money laundering to ensure high-quality economic security of individual countries of the European Union were investigated. Each country has both successful indicators and a low level of compliance with its obligations in this area, so there is still a need for moderate improvement in the process of oversight of money laundering.

Thus, the Polish system operates in the person of the General Inspector of Financial Information – GIFi, which acts as an intermediary between financial institutions, law enforcement officers, and provides such structural divisions with information about the existing riskiness of planned financial transactions. The key body of the French system for preventing money laundering is TRACFIN, which in its professional activity performs the main function – checking financial flows and further determines their belonging to the criminal stratum based on comparative analysis of information provided by banking and public financial institutions. The federal agency BaFin, the supervisory authority that controls the German financial services market, if necessary, imposes penalties on companies that intend to carry out criminal laundering. Austria's financial intelligence unit EDOK oversees high-risk credit institutions, which is based more on statutory requirements than on detailed risk analysis. Austrian supervisors of financial institutions and specially defined primary financial monitoring entities should strengthen their influence to promote a better understanding of the risks of money laundering among controlled entities and their prospects for implementing a risk-based

method for managing the risks of preventing and countering legalisation (laundering) in the financial and non-financial sectors. The executive service of the Commission for the prevention of money laundering and money offences in Spain – SEPBLAC, as a surveillance system, works powerfully, because it regularly detects, eliminates, and imposes penalties in connection with violations committed during the laundering of proceeds from crime. The Financial Guard of Italy has legally established responsibilities for supervision of most specially defined subjects of primary financial monitoring, and carries out its activities using a risk-based approach.

Nowadays, Ukrainian legislation mainly meets the modern requirements of international organisations for combating money laundering. Over the years, the methods used by “money launderers” and financial criminals have evolved in response to government and institutional countermeasures. Therefore, some strategic actions of the State Financial Monitoring systems of foreign countries in certain aspects can be introduced in Ukraine, in particular, it is necessary to strengthen cooperation between authorised financial departments with banking institutions, customs, control bodies in areas where employees are required to submit applications, and with foreign services with the same competence.

Thus, in today's conditions, all measures that are carried out by both Ukrainian and foreign countries to prevent the legitimisation of income/property are not exhaustive and do not canonise restrictions on the implementation of the latest promising measures in the economic sphere to effectively fulfil their obligations in the financial monitoring system.

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Досвід окремих країн Європейського Союзу з побудови системи запобігання легалізації доходів, отриманих злочинним шляхом

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■ **Анотація.** Україна як європейська держава реалізовує комплекс стратегічних заходів з розвитку економіки на світовій платформі, здійснюючи збір, обробку й аналіз інформації щодо підозрілих фінансових операцій, які можуть бути пов'язані з відмиванням доходів, проте механізми запобігання є недостатньо дієвими, а ступінь поширення такої злочинності становить реальну загрозу для національної безпеки країни, що визначає актуальність дослідження вказаного питання. Метою статті є всебічний аналіз зарубіжних стратегій із запобігання відмиванню доходів, одержаних злочинним шляхом, та розгляд можливості імплементації окремих заходів у правову площину української держави. У процесі дослідження використано групу загальнологічних методів – порівняння, аналізу, синтезу й узагальнення, які дають змогу об'єктивно оцінити рівень та ефективність державно-правових явищ із запобігання іноземними державами незаконній легалізації, що вчиняється як на території країни, так і за її межами. Теоретичним базисом слугували публікації українських та іноземних учених, присвячені аспектам запобігання відмиванню доходів, а також урядові вебсайти, створені з метою зберігання публічної інформації у формі відкритих даних і забезпечення надання доступу до неї широкому колу осіб. На основі проведеного дослідження в контексті наявної зарубіжної системи боротьби з відмиванням доходів розглянуто її нормативні, організаційні та певною мірою соціально-культурні аспекти. Описано діяльність центрального апарату в особі генерального інспектора фінансової інформації польської системи запобігання відмиванню грошей. Досліджено систему запобігання легалізації незаконних доходів основного підрозділу фінансової розвідки в складі Міністерства економіки, фінансів та індустрії Французької Республіки. Проаналізовано заходи із запобігання легалізації злочинних доходів, що проводяться Федеральним відомством нагляду за діяльністю фінансових установ Федеративної Республіки Німеччини. Розглянуто практику запобігання відмиванню злочинних доходів фаховим підрозділом, що провадить свою діяльність у складі Групи боротьби з організованою злочинністю Республіки Австрії. Розглянуто аналогічну систему заходів Королівства Іспанії. Описано превентивну діяльність Служби боротьби з відмиванням грошей Валютно-фінансового управління Італійської Республіки. Акцентовано увагу на дієвих правових засобах, що позитивно впливають на економічні процеси в умовах світової ринкової економіки. Висловлено пропозиції стосовно доповнення сучасного національного законодавства, що регулює сферу запобігання легалізації доходів, отриманих злочинним шляхом. Практична значущість наукової праці полягає в тому, що досліджувані наукові положення, узагальнення, висновки й рекомендації надалі можуть бути використані в науково-дослідній діяльності та освітньому процесі, а також у межах оптимізації механізму запобігання злочинам вказаної категорії

■ **Ключові слова:** підрозділ фінансової розвідки; відмивання доходів; ринок фінансових послуг; Група з розробки фінансових заходів боротьби з відмиванням грошей; стратегія